

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANCISCO RUELAS-PAYAN,

Defendant.

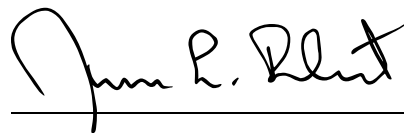
CASE NO. CR17-0229JLR

ORDER DENYING MOTION TO  
REDUCE SENTENCE

Before the court is *pro se* Defendant Francisco Ruelas-Payan's motion for a reduction in his sentence pursuant to 18 U.S.C. § 3582(c)(1) and the retroactive "zero-point offender" provision of Amendment 821 to the United States Sentencing Guidelines (the "Guidelines"). (Mot. (Dkt. # 484).) Plaintiff the United States of America opposes Mr. Ruelas-Payan's motion. (Resp. (Dkt. # 487).) The court has considered Mr. Ruelas-Payan's motion, the parties' submissions in support of and in opposition to the motion, the relevant portions of the record, and the applicable law. Being fully advised, the court DENIES Mr. Ruelas-Payan's motion.

1 Section 4C1.1(a) of the Guidelines sets out eleven criteria that a defendant must  
2 satisfy in order to qualify for a zero-point offender reduction. *See* U.S.S.G.  
3 §§ 4C1.1(a)(1)-(11). Mr. Ruelas-Payan is disqualified from receiving a zero-point  
4 offender reduction under two of these criteria. First, Section 4C1.1(a)(7) provides, in  
5 relevant part, that a defendant who possessed a firearm or other dangerous weapon in  
6 connection with the offense is not eligible for the zero-point offender adjustment.  
7 U.S.S.G. §§ 4C1.1(a)(7). Here, Mr. Ruelas-Payan was convicted of unlawful possession  
8 of two firearms in connection with his offense. (*See* PSR (Dkt. # 471, Ex. A (sealed))  
9 ¶ 35.) Second, Section 4C1.1(a)(10) provides that a defendant who received an upward  
10 adjustment for having an aggravating role in the offense is not eligible for the zero-point  
11 offender adjustment. U.S.S.G. §§ 4C1.1(a)(10). Here, Mr. Ruelas-Payan received a two-  
12 level upward adjustment for his role as organizer and leader of a criminal conspiracy.  
13 (*See* Sentencing Hr'g Tr. at 2:20-3:1, 3:10-16.) For these reasons, the court DENIES Mr.  
14 Ruelas-Payan's motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(1) and  
15 Amendment 821 (Dkt. # 484).

16 Dated this 24th day of April, 2025.

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19 JAMES L. ROBART  
20 United States District Judge  
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